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DAC/ #5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |  |
|---|--|
| In re application of:<br><b>Volodarsky, et al.</b>  |  |
| Serial No. 10/041,058<br>Filed: December 28, 2001<br><br><b>Vertically Configured Chamber Used For<br/>Multiple Processes</b> | Atty. Docket No. 042496/0269291<br>NT-005(D)<br><br><b>CERTIFICATE OF MAILING</b><br><br><i>I hereby certify that this correspondence is being deposited with<br/>the United States Postal Service as First Class Mail addressed<br/>to the Assistant Commissioner of Patents, Washington, D.C.<br/>20231 on May 9, 2002</i><br>Signed <u>Kathleen M. Smith</u><br>Kathleen M. Smith |

PETITION TO CORRECT FILING DATE

RECEIVED

Assistant Commissioner of Patents  
Washington, DC 20231  
BOX: DAC:

MAY 29 2002

OFFICE OF PETITIONS

Sir:

This is a Petition to Correct Filing Date and is submitted in reply to the communication from the Office of Initial Patent Examination mailed April 16, 2002 (Exhibit A attached).

The January 7, 2002 filing date is a result of Patent Office error. The patent application transmittal with Certificate of Express Mailing upon which Applicants rely are dated **December 28, 2001** (Exhibit B attached). The Express Mail Label bears an **In Date of December 28, 2001**, (Exhibit C attached).

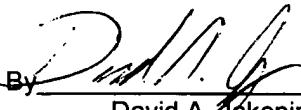
Applicants contend that this request for correction should not be subject to a petition fee of \$130.00 because the incorrect filing date of January 7, 2002 bears no relation to any date contained in the application papers and is entirely a Patent Office error.

**Applicants request that this Petition be granted without assessing a \$130.00 Petition Fee, and reiterate their request for a Corrected Filing Receipt reflecting the following:**

Filing Date: 12/28/01

The Commissioner is authorized to charge Deposit Account 03-3975 (Order No. 042496/0269291) for the Petition Fee of \$130.00, but Applicants hereby request an immediate refund of the Petition Fee if the account is so charged, for the reasons stated above.

Respectfully submitted  
PILLSBURY WINTHROP LLP

By   
David A. Jakopin, Reg. No. 32,995

05/29/2002 AWONDAF1 00000157 033975 10041058  
01 FC:122 130.00 CH

1600 Tysons Boulevard  
McLean, Virginia 22102  
650-233-4500

Adjustment date: 06/27/2002 HLE/55  
05/29/2002 AWONDAF1 00000157-033975  
01 FC:122 130.00 CH



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

UT-005-1

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 10/041,058         | 01/07/2002  | Konstantin Volodarsky | PW-0269291             |

CONFIRMATION NO. 3484



\*OC000000007873902\*

Intellectual Property Group  
Pillsbury Winthrop LLP  
1600 Tysons Boulevard  
McLean, VA 22102

Date Mailed: 04/16/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

**Application Filing Date**

In response to your request for a corrected Filing Receipt, the Office can not comply with your request because:

- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.
- A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.
- The "date in" on the Express Mail label is the date given on the Filing Receipt.
- The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
- Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.
- The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

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EXHIBIT A

OFFICE OF PETITIONS

A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, to:

Box DAC  
Commissioner for Patents  
Washington, DC 20231

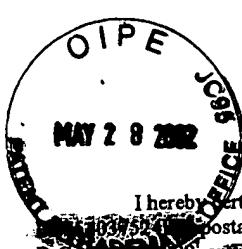
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*S. Yemane*  
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CERTIFICATE OF EXPRESS MAILING

Page 1 of 3

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail # [REDACTED] postage prepaid, in an envelope addressed to Box Patent Application, Commissioner of Patents, Washington, D.C. 20599-9999, on [REDACTED]

Maria English

MARIA ENGLISH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING  
(RULE 53(b)(1))

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MAY 29 2002

Rule 53(b)(1) PATENT APPLICATION:

Continuation )  
 ) application under 37 CFR 1.53(b)(1)  
 Divisional )  
application under 37 CFR 1.53(b)(1)  
of pending prior application of

OFFICE OF PETITIONS

Group Art Unit: 1741

Examiner: W. Nicolas

Inventors: Volodarsky et al.

Parent Appln. No.: 09 | 466,014 | Atty. Dkt. PW-0269291 | NT-005(D)

Series Code ↑

Serial No. ↑

New M#

Client Ref

Parent Filed: 12/17/99

This Appln. Filed: Herewith

Title: VERTICALLY CONFIGURED CHAMBER USED FOR MULTIPLE PROCESSES

Box Patent Application  
Commissioner of Patents  
Washington, DC 20231

(Parent Matter No. 042496-025-3038)

Sir:

To effect the above-requested filing today:

1. Attached is a copy of the prior application, including:

- Abstract
- Specification and claims (29 pages)
- Drawings: 8 sheets of formal drawings
- Copy of Signed declaration or oath as originally filed in prior application is attached

2. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

3.  Domestic priority is claimed from 09/466,014, filed 12/17/99

4.  Prior application is assigned to NUTOOL, INC

by assignment recorded 12/17/99 Reel 010471 Frame 0260  
(Date)

5.  Attached is an Assignment and respective new Cover Sheet  
Please return the recorded Assignment to the undersigned.

6.  The power of attorney in the prior application is to: PILLSBURY WINTHROP LLP, formerly  
PILLSBURY MADISON & SUTRO LLP, David A. Jakopin, Reg. No. 32,995  
whose current address is as in item 8 below.

7. a.  Recognize as associate : 351, Chang H. Kim, Reg. No.  
42,727, PILLSBURY WINTHROP A 22102

EXHIBIT B

8. Address all future communications to Intellectual Property Group  
of Pillsbury Winthrop LLP, 1600 Tysons Boulevard, McLean, VA 22102

9. Small Entity Status  is claimed for this divisional application and was claimed in the parent application

10. Petition to extend the life of the above prior application to at least the date hereof  
 is not necessary for copendency

11.  INFORMATION DISCLOSURE STATEMENT: Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .

12.  Please cancel claims 1-25 and 40-91 in parent application 09/466,004 filed 12/17/99. This divisional application elects to prosecute claims 26-39 of the parent application.

**FILING FEE**  
THE FOLLOWING FILING FEE IS BASED ON  
->->->CLAIMS AS FILED <-<-<-<

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 12 ABOVE IS X'D.

|  | Large/Small Entity |      | Fee Code        |
|--|--------------------|------|-----------------|
| 13. Basic Filing Fee . . . . . Design Application                        | \$330/\$165        |      | 106/26          |
| 14. Basic Filing Fee . . . . . Utility Application                       | \$740/\$370        | +370 | 101/201         |
| 15. Total Effective Claims 14 minus 20 = 0                               | x \$18/\$9         | +0   | 103/203         |
| 16. Independent Claims 1 minus 3 = 0                                     | x \$84/\$42        | +0   | 102/202         |
| 17. If any proper multiple dependent claim (ignore improper) is present, | \$280/\$140        | +0   | 104/204         |
| 18. <b>Subtotal =</b>  | <b>\$0</b>         |      |                 |
| 19. . . . . \$130  | +0                 |      | 122             |
| 20. If box 5 above is X'd, add Assignment recording fee . . . . . \$ 40  | +40                |      | 581             |
| <b>TOTAL FILING FEE ATTACHED =</b>                                       |                    |      | <b>\$410.00</b> |

21.

Our Deposit Account No. 03-3975

Our Order No. 042496

026-9291

C#

M#

**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP**  
**Intellectual Property Group**

1600 Tysons Boulevard  
McLean, VA 22102  
Tel: (650) 233-4500

By Atty: Anand Sethuraman Reg. No. 43,351  
Sig: A Fax: (650) 233-4545  
Tel: (650) 233-4734

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Atty./Sec.



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| Weight<br><b>9</b>  | lbs.      ozs. | <input type="checkbox"/> AM <input type="checkbox"/> PM                  | <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day |
| No Delivery   |                | Int'l Alpha Country Code   | COD Fee      Insurance Fee  |
| <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday   |                | Acceptance Clerk Initials<br><i>[Signature]</i>                          |   |
|   |                | Total Postage & Fees<br><b>\$16.25</b>                                   |   |
| <b>SEE REVERSE SIDE FOR<br/>SERVICE GUARANTEE AND LIMITS<br/>ON INSURANCE COVERAGE</b>  |                |  |   |
| <b>WAIVER OF SIGNATURE (Domestic Only):</b> Additional insurance coverage is void. However, if signature is requested, such delivery to be made without obtaining signature of addressee. <b>NO DELIVERY:</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Customer Signature |                |  |   |

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| F. BISBURY WINTHROP LLP<br>BOX 7880<br>5. FRANCISCO CA 94120-7880<br>042496 026 928491<br>DAVID A. Jakopin (13016) |                             | Patent Application<br>BOX. COMMISSIONER FOR PATENTS<br>WASHINGTON DC 20231-9999 |  |

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**EXHIBIT C**